

109TH CONGRESS
1ST SESSION

S. 1318

To protect State and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2005

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect State and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CLARIFICATION OF JUDICIAL IMMUNITY.**

4 (a) IN GENERAL.—Chapter 21 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 464. Judicial immunity for administrative func-**
8 **tions**

9 “(a) IN GENERAL.—Subject to subsection (b), a jus-
10 tice or judge of the United States or a State judge shall

1 have immunity against any Federal civil cause of action
2 respecting the discharge of any legislatively or constitu-
3 tionally authorized duty, except for actions involving mal-
4 ice.

5 “(b) OTHER IMMUNITY.—This section shall not pre-
6 empt any Federal or State law providing immunity in ad-
7 dition to the immunity provided by this section.”.

8 (b) CHAPTER ANALYSIS.—The chapter analysis for
9 chapter 21 of title 28, United States Code, is amended
10 by adding at the end the following:

“Sec. 464. Judicial immunity for administrative functions.”.

